SUPPLEMENTAL REPORT

TO:	District of Columbia Board of Zoning Adjustment
FROM:	Stephen J. Mordfin, AICP, Case Manager
	Joel Lawson, Associate Director Development Review
DATE:	March 26, 2013
SUBJECT:	MODIFICATION REQUEST - BZA Case No. 18319

I. RECOMMENDATION

The Office of Planning recommends that the Board approve the modification as requested by the applicant.

II. BACKGROUND

BZA Order 18319, dated March 6, 2012, approved the continued operation of a retail grocery store with basement storage as a nonconforming use under Sec. 2003.1 for a five-year term, with a one-year trial period for 24-hour operations, subject to twelve conditions.

III. PROPOSED MODIFICATION

On March 6, 2013, the applicant submitted an application to modify Condition No. 2, which reads as follows:

> *The hours of operation shall be a 24-hour operation daily on a one-year trial basis, beginning on the date upon which the order became final. At the conclusion of the one-year trial period, the Applicant shall have the option to return to the Board for a modification of this Order with respect to this condition.*

The applicant proposes to eliminate the one year trial basis to allow the retail grocery store to operate 24-hours a day, seven days a week. The special exception permitting the use would continue to expire on March 6, 2017.

IV. OP ANALYSIS OF THE MODIFICATION

The proposed modification would permit the retail grocery to continue to operate twenty-four hours a day, seven days a week. Previously the store operated from 7:00 am to 11:00 pm. The one-year trial period was implemented to allow the Board to re-evaluate the hours to ensure that the twenty-four hour operation of the store would not have a negative impact on the surrounding neighborhood, and to make modifications as necessary. After one year OP is unaware of any opposition to the continued operation of the store twenty-four hours a day. The applicant informed OP that ANC 2A, at its regularly scheduled meeting of March 20, 2013, voted to support the application.